

SUPPORT FOR THE AMENDMENTS

The amendments to the claims are supported by the specification and the original claims. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 11, 14-22 and 24-30 are pending. Favorable reconsideration is respectfully requested.

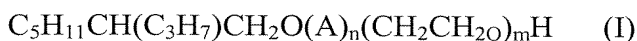
The present invention relates to a composition comprising an alkoxyate of the formula (I):



where the structural variables are as defined in Claim 11.

An important feature of the claimed invention is that the composition is selected from surfactant compositions for the cleaning of hard surface, humectant compositions, cosmetic compositions, adhesive compositions, leather degreasing compositions, compositions for metalworking, compositions for food industry, compositions for water treatment, compositions for paper industry, fermentation compositions, mineral processing compositions and emulsions for polymerizations. See the end of Claim 11.

The present invention also relates to an alkoxyate of the formula (I)



where

A is buteneoxy,

n is a number in the range from 1 to 1.8,

m is a number in the range from 3 to 14,

where buteneoxy units are firstly joined the alcohol radical, followed by ethyleneoxy units.

See Claim 15.

The rejections of the claims under 35 U.S.C. §102(b)/§103(a) over Hoffarth et al. alone or in view of Clement et al. are respectfully traversed. The cited references fail to disclose or suggest the claimed composition or alkoxylate.

Hoffarth et al. disclose novel low-foaming wetting agents consisting of substances of general formula I and/or II and III. According to Hoffarth et al., no more substances of general formula I, including Ia, Ib and Ic, and are no more substances of formula II need to be present in the low-foaming agent, whereas one or more substances of general formula III is optionally present in the mixture. See column 1, line 45 to column 2, line 20. According to column 4, lines 10-24 of the reference, the low-foaming wetting agents are used in aqueous liquors during textile processes, and for formulating crop protection agents. Examples of textile processes are dyeing and pre-treatment and after-treatment in conjunction with dyeing, and also bleaching processes and processes for textile finish, and also in water-repellent finish, oil-repellent finish and anti-static finish of textiles.

In contrast to the disclosure of Hoffarth et al., amended Claim 11 specifies a composition comprising alkoxylate of formula I, where the composition is selected from surfactant compositions for the cleaning of hard surface, humectant compositions, cosmetic compositions, adhesive compositions, leather degreasing compositions, compositions for metalworking, compositions for food industry, compositions for water treatment, compositions for paper industry, fermentation compositions, mineral processing compositions and emulsions for polymerizations. Hoffarth et al. do not disclose compositions as specified in amended Claim 11 of the present application.

Hoffarth et al. disclose as component Ic a substance comprising one or ten units of propylene oxide directly connected to an alcohol of formula R^1OH , and having 1 to 10 units of ethylene oxide connected to the mentioned propylene oxide-block.

In contrast to Hoffarth et al., amended Claim 15 specifies an alkoxylate of general formula I, in which 1 to 1.8 units of butylene oxide is directly connected to 2-propylheptanol, and 3 to 14 units of ethylene oxide is connected to the mentioned butylene oxide-block. Hoffarth et al. do not disclose an alkoxylate, in which 1 to 1.8 units of butylene oxide are connected to an alcohol, and 3 to 14 units of ethylene oxide are connected to the butylene oxide block.

Therefore, the composition according to Claim 11 and the alkoxylate according to Claim 15 are not anticipated by Hoffarth et al.

Hoffarth et al. disclose that compositions comprising one or more substances of general formula I and one or more substances of general formula II are low-foaming wetting agents which can advantageously be used in textile processes, for example pre- or after-treatment in dyeing of textiles, furthermore bleaching processes and processes for textile finish, furthermore in water-repellent finish, oil-repellent finish and anti-static finish of textiles. According to column 5, line 29 to column 7, line 43, the specific compositions according to Hoffarth et al. show low amounts of foam, which makes them suitable for the use in textile processes.

Hoffarth et al. do not point in the direction of compositions according to amended Claim 11. The teaching that a specific mixture of different alkoxylates is a low-foam surfactant being suitable for the use in textile processes as mentioned above, does not point in the direction of the specific compositions that are claimed in amended Claim 11, for example surfactant compositions for the cleaning of hard surfaces. The teaching that a surfactant mixture is suitable for the treatment of soft surfaces, like textile, does not point in the direction of a composition which is used for the cleaning of hard surfaces. In addition, the teaching that a specific alkoxylate according to formula I according to Claim 11, can

advantageously be used in compositions as mentioned in Claim 11. Therefore, amended Claim 11 is not obvious in light of Hoffarth et al.

Hoffarth et al. disclose different alkoxylates according to general formulas Ia, Ib, Ic, II and III, bearing different amounts of ethylene oxide and propylene oxide at different positions in the alkoxylate. This does not point in the direction of the specific alkoxylate according to amended Claim 15 of the present application, in which a short block of butylene oxide-units is directly connected to 2-propyl-heptanol, and a block of 3 to 14 units of ethylene oxide is connected to the butylene oxide block. Therefore, the specific alkoxylate according to amended Claim 15 is also not obvious in light of Hoffarth et al.

Clement et al. disclose polymerization of ethylene oxide using a metal cyanide catalyst. According to page 5, second paragraph, alkylene oxides like ethylene oxide, propylene oxide or 1,2-butylene oxide can be polymerized in the presence of a DMC-catalyst, in order to obtain the respective polymers. This does also not point in the direction that an alkoxylate according to general formula of amended Claim 11 of the present application gives advantageous characteristics to the specific compositions that are claimed in Claim 11. In addition, this general disclosure of Clement et al. does not point in the direction of the specific alkoxylate bearing specific amounts of butylene oxide and ethylene oxide at very specific positions in the alkoxylate according to Claim 11 of the present application. therefore, from our point of view, compositions according to Claim 11 and alkoxylates according to Claim 15 of the present application are not obvious in light of Clement et al., and also non-obvious in light of the combination of Hoffarth et al. and Clement et al.

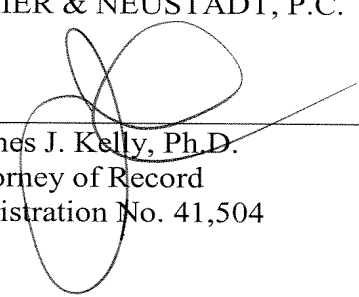
In view of the foregoing, withdrawal of these ground of rejection is respectfully requested.

The obviousness-type double patenting rejection of Claims 11, 12 and 14-40 over Claims 1-9 of co-pending application serial No. 10/575,760 is respectfully traversed. Applicants respectfully submit that the claims of the present application are not obvious over the claims of the '760 application in view of the amendments submitted above in the present application and on October 12, 2007 in the '760 application. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kelly, Ph.D.
Attorney of Record
Registration No. 41,504

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)